

PURE (THE) FOOD BILL.



THE PURE FOOD BILL.

The Paddock Bill as amended is given below. It is now before the House, having been favorably reported from the Committee on Agriculture on March 29.

Amendment reported by Mr. Paddock, from the Committee on Agriculture and Forestry, and intended to be proposed to the bill (S. 1) for preventing the adulteration and misbranding of food and drugs, and for other purposes, namely: Strike out all after the enacting clause and insert the following:

That for the purpose of protecting the commerce in food products and drugs between the several States (the District of Columbia), and the Territories of the United States and foreign countries, the Secretary of Agriculture shall organize in the Department of Agriculture a section to be known as the food section of the chemical division, and make necessary rules governing the same, to carry out the provisions of this Act under direction of the chief chemist, whose duty it shall be to procure from time to time, under rules and regulations to be prescribed by the Secretary of Agriculture, and analyze or cause to be analyzed or examined samples of food and drugs sold or offered for sale in any State or Territory other than where manufactured (Provided, That the same be in original or unbroken packages). The Secretary of Agriculture is hereby authorized to employ such chemists, inspectors, clerks, laborers, and other employees as may be necessary to carry out the provisions of this Act.

Sec. 2. That the introduction into any State or Territory (or the District of Columbia) from any other State or Territory (or the District of Columbia) or foreign country of any article of food or drugs which is adulterated or misbranded within the meaning of this Act, is hereby prohibited, and any person who shall knowingly ship or deliver for shipment from any State or Territory (or the District of Columbia) or foreign country to any other State or Territory (or the District of Columbia) or who shall knowingly receive in any State or Territory (or the District of Columbia) from any other State or Territory (or the District of Columbia) or foreign country, or who, having so received, shall knowingly deliver, for pay or otherwise, or offer to deliver to any other person (in original unbroken packages), any such article so adulterated or misbranded within the meaning of this Act, shall be guilty of a misdemeanor, and for such offense to be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court.

Sec. 3. That the chief chemist shall make, or cause to be made, under rules and regulations to be prescribed by the Secretary of Agriculture, examinations of specimens of food and drugs (sold or offered for sale in original or unbroken packages in any State or Territory other than where manufactured) which may be collected from time to time, under rules and regulations to be prescribed by the Secretary of Agriculture, and under his direction in various parts of the country, and publish in bulletins the results of such analysis. But the names of manufacturers or vendors of such foods or drugs analyzed shall in no case be published in such bulletins until after conviction in the courts of violation of this Act. If it shall appear from such examination that any of the provisions of this Act have been violated the Secretary of Agriculture shall at once cause a report of the fact to be made to the proper United States District Attorney, with a copy of the results of the analysis duly authenticated by the analyst under oath.

Sec. 4. That it shall be the duty of every district attorney to whom the food section shall report any violation of this Act to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such case provided, unless, upon inquiry and examination, he shall decide that such proceedings can not probably be sustained, in which case he shall report the facts to the food section.

Sec. 5. That the term "drug," as used in this Act, shall include all medicines for internal or external use. The term "food," as used herein, shall include all articles used as food or drink by man, whether simple, mixed, or compound. The term "misbranded," as used herein, shall include all drugs, or articles of food, or which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredients or substances as not being contained in such article, which statement shall be false in any particular; or any statement purporting to name the substances of which such article is made, which statement shall not fully give the names of all the substances contained in such article in any measurable quantities.

Sec. 6. That for the purposes of this Act an article shall be deemed to be adulterated—

In case of drugs:

First. If when sold under or by a name recognized in the United States Pharmacopoeia it differs from the standard of strength, quality, or purity according to the tests laid down therein.

Second. If when sold under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other pharmacopoeia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity according to the tests laid down in said work.

Third. If its strength or purity fall below the professed standard under which it is sold.

Fourth. If it be an imitation of and sold under the specific name of another article.

In the case of food or drink:

First. If any substance or substances has or have been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall be calculated and shall tend to deceive the purchaser,

Second. If any inferior substance or substances has or have been substituted wholly or in part for the article, so that the product, when sold, shall tend to deceive the purchaser.

Third. If any valuable constituent of the article has been wholly or in part abstracted, so that the product, when sold, shall tend to deceive the purchaser.

Fourth. If it be an imitation of and sold under the specific name of another article.

Fifth. If it be mixed, colored, powdered, or stained in a manner whereby damage is concealed, so that such product, when sold, shall tend to deceive the purchaser.

Sixth. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it.

Seventh. If it consists of the whole or any part of a deceased, filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or, if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter: *Provided*, That an article of food or drug which does not contain any added poisonous ingredient shall not be deemed to be adulterated.

First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not included in definition fourth of this section;

Second, in the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, or blends;

Third, when any matter or ingredient has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or conceal the inferior quality thereof: *Provided*, That the same shall be labeled, branded, or tagged, as prescribed by the Secretary of Agriculture, so as to show them to be compounds and the exact character thereof: *And provided further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary medicines to disclose their trade formulas;

Fourth, where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Sec. 7. That every person who manufactures (for shipment and delivers for transportation from any State or Territory to any other State or Territory any drug or article of food), and every person who exposes for sale or delivers to a purchaser any drug or article of food (received from a State or Territory other than the State or Territory in which he exposes for sale or delivers such drug or article of food, and which article is in the original unbroken package in which the same was received), shall furnish (within business hours and upon tender and full payment of the selling price) a sample of such drugs or articles of food to any person duly authorized by the Secretary of Agriculture to receive the same, and who shall apply to such manufacturer or vendor or person delivering to a purchaser such drug or article of food, or such sample for such use, in sufficient quantity for the analysis of any such article or articles in his possession. And in the presence of such dealer and an agent of the food section, if so desired by either party, said sample shall be divided into three parts, and each part shall be sealed by the seal of the food section. One part shall be left with the dealer, one delivered to the food section, and one deposited with the United States District Attorney for the district in which the sample is taken. Said manufacturer or dealer may have the sample left with him analyzed at his own expense, and if the results of said analysis differ from those of the food section, the sample in the hands of the District Attorney shall be analyzed by the third chemist, who shall be appointed by the president of the Association of Official Agricultural Chemists of the United States, in the presence of the chemist of the food section and the chemist representing the dealer, and the whole evidence shall be laid before the court.

Sec. 8. That whoever refuses to comply, upon demand, with the requirements of section seven of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding one hundred nor less than ten dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both. And any person found guilty of manufacturing, or knowingly offering for sale, or selling an adulterated, impure, or misbranded article of food or drug (in violation of the provisions of this Act, which is a subject for interstate commerce, shall be adjudged to pay, in addition to the penalties heretofore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, selling, or offering for sale.

Sec. 9. That this Act shall not be construed to interfere with commerce wholly internal in any State, nor with the exercise of their police powers by the several States.

Sec. 10. That any article of food or drink that is adulterated within the meaning of this Act and is transported, or is being transported, from one State to another for sale, and is still in the original or unbroken packages, shall be liable to be proceeded against in any district court of the United States within the district where the same is found and seized for confiscation by a process of libel for condemnation; and if such article is condemned as being adulterated the same shall be sold, and the proceeds thereof, less the legal costs and charges, shall be paid into the Treasury of the United States. The proceedings in such libel cases shall conform as near as may be to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit of and in the name of the United States.



